Gay-marriage ban sought

Coalition's chief says group is acting with a mother's love, father's guidance

THE ASSOCIATED PRESS

DENVER • Saying they were motivated by love, a coalition of religious and family groups formally kicked off a drive Wednesday for an amendment to the state constitution that would bar gay marriage.

Coloradans for Marriage submitted the proposed wording of the amendment to the Legislative Council office at the state Capitol, the first step toward getting it on the ballot this fall.

The group's president, Bishop Phillip Porter Jr., said the group was acting with "the love of a mother, the gentle guidance of a caring father" to preserve marriage and protect children.

He said the proposed amendment was not about hatred toward gay people.

"We are all called to have that love even when it hurts us, even when it hurts others," said Porter, of All Nations Church of God in Christ in Aurora, a Pentecostal church. "We live in a nation that wants no pain but all of the gain. We can't have it both ways."

But Lewis Thompson, a retired automotive engineer who lives in Denver with his partner of seven years, views the proposal as simple discrimination. He said he has noted the 19 states that have passed similar amendments and has vowed never to travel to or through them.

"It's just cementing our second-class citizenship," said Thompson's partner, retired teacher and Army Reserve Col. Laurin Foxworth, who also attended a news conference called by a group organized to fight the proposed amendment.

DAVID ZALUBOWSKI, THE ASSOCIATED PRESS

Domestic partners Lewis Thompson, left, and Laurin Foxworth of Denver oppose the move to bar gay marriage.

Coloradans for Fairness and Equality will also be campaigning in favor of a domestic partnership referendum that Democratic lawmakers want to put on November's ballot, a measure that would give same-sex couples the same rights under state law as married couples.

The group says gay couples are discriminated against because they can't automatically transfer property to their partners or have them make important medical decisions for them as married couples can.

A third proposal, from Sen. Shawn Mitchell, R-Broomfield, would give fewer rights to same-sex couples than the Democratic proposal but would apply to any other two adults who live together but aren't married.

That could include everyone from roommates to mothers and daughters living in the same household.

The proposed gay-marriage ban reads, "Only a union of one man and one woman shall be valid or recognized as a marriage in this state" and that would not conflict with the domestic-partnership proposal, executive director Jon Paul said.

"That's just not our battle. Our focus is on the definition of marriage," Paul said.

Coloradans for Marriage includes churches, the Rocky Mountain Family Council, and national groups such as Focus on the Family, the U.S. Conference of Catholic Bishops, and the National Association of Evangelicals, led by Ted Haggard, pastor of Colorado Springs' New Life Church.

The group will need approval of the wording from the secretary of state and 68,000 valid signatures of registered voters to get the measure on the ballot.

THE PROPOSAL

WHAT: A proposed amendment to the state constitution banning gay marriage. Wouldn't conflict with proposal to give rights to domestic partnerships.

TEXT: "Only a union of one man and one woman shall be valid or recognized as a marriage in this state."

THE LATEST: Organizers submitted the proposed wording to the Legislative Council on Wednesday.

NEXT: Organizers need approval of the wording from the secretary of state and valid signatures of 68,000 registered voters to get the measure on the November ballot.

14, 15, 33, 37, 38, 40
Wednesday's jackpot was an estimated $1.9 million.

6, 19, 20, 22, 26
Drawings are held Monday through Saturday.

11, 13, 30, 35, 55
Powerball: 37
Powerplay: 4
Wednesday's jackpot was an estimated $156 million.

METRO

THURSDAY, FEBRUARY 2, 2006

Homeward-bound GIs may not b

Some will be sent to Texas as part of Army restructuring

By TOM ROEDER
THE GAZETTE

Eighty soldiers from the 3rd Armored Cavalry Regiment are expected home from Iraq today, but how long they and others in the 5,200-soldier unit will be staying remains uncertain.

The regiment, returning home this month after a year in Iraq, will soon be moved to Fort Hood, Texas, as Fort Carson makes room for the 4th Infantry Division and its 22,000 members.

The move is part of a Pentagon plan to add more than 10,000 soldiers to the post by 2008.

But the regiment's departure doesn't mean all of its soldiers will be packing up to leave, the post's top personnel officer, Lt. Col. Theresa Lever, said Wednesday.

Many of them will stay to form the core of a 4th Infantry brigade, Lever said. Just how many won't be known for weeks.

Starting next week, thousands of soldiers from the regiment will return in a three-week airlift from Iraq. Lever

AFTERNOON AT THE COURTS

LAWSUIT: City has no obligation, judge says

FROM PAGE 1

vember 2002 to give health benefits to same-sex partners of city employees. The issue became a focal point of the 2003 election and the new council decided at its first meeting that it would not offer the benefits in 2004.

Connie Trujillo, a unit clerk at Memorial Hospital; her partner, Susan Osorio; Barbara Henson, an emergency dispatcher who has since left her job; and her partner, Kaylynn LaGamma, filed the suit last year, saying the city discriminated against them by offering benefits to heterosexual married couples but not homosexual partners.

Deputy City Attorney Stacy Gatto had asked Hall to dismiss the case before it went to trial. He granted that request, saying he could not find any dispute over facts between the two sides.

Hall relied heavily on a 1994 ruling that said denying benefits to unmarried homosexual couples is acceptable as long as a city does not give them to unmarried heterosexual partners.

The judge acknowledged the fact that courts in other states have ruled differently, going so far as to require that homosexual couples be allowed to marry.

But he wrote that Colorado law allows only people of the opposite sex to wed, and that any decision to change that law is up to the Legislature, not a court.

Council members cheered the ruling, saying they had always believed the decision to end the benefits — no matter how controversial — was legal.

"I knew we hadn't done anything improper," Mayor Lionel Rivera said. "We based our benefits on the state law's interpretation of what marriage is."

Councilman Richard Skorman, the only member who voted not to rescind benefits, said he's worried the city is spending more to defend the move than it would have on the benefits.

But Councilman Randy Purvis said fighting the lawsuit "was more a question of principle than of cost."

Bangert said Hall erred in two ways: He did not allow argument on why the council revoked the benefits, and he did not agree that the city's action penalized a minority group that it did not like.

LaGamma said the idea of the suit was planted when Henson's co-worker was allowed to take time off after her dog died, but Henson could not do so when LaGamma was hospitalized. She said Thursday that the lawsuit can get a fairer hearing in the Colorado Court of Appeals than in a court in this conservative city.

"We're excited more people are going to hear our story and hear what Colorado Springs was able to get away with," LaGamma said. She added that gay-rights groups have promised financial support to appeal the case.

CONTACT THE WRITER: 636-0184 or sealover@gazette.com

l vouchers

schools that get two F grades from the state within four years. They can be used to send children to better public schools or private schools.

The ruling "means that Florida's taxpayers will not be forced to pay for schools which are unaccountable," said Ron Meyer, attorney for those that brought the lawsuit in 1999. "It means that taxpayer money will only be used for public schools."

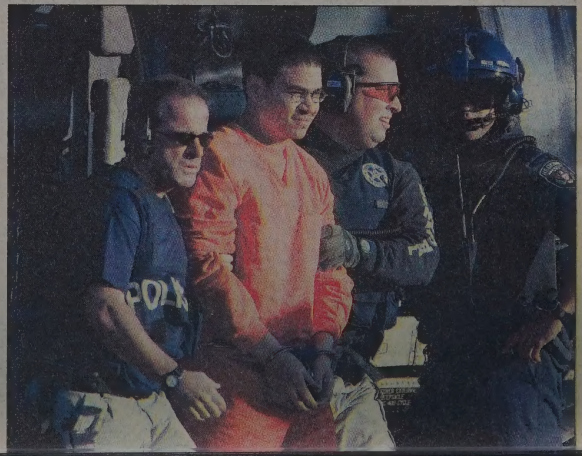
Republican lawmakers denounced the decision as improper meddling in the legislature's power.

Though limited to Opportunity Scholarships, the ruling leaves open the possibility of challenges to other programs and the tens of thousands of students who get them.

Meyer said a decision about

Padilla taken to Miami for civilian terror trial

THE ASSOCIATED PRESS



MIAMI • Jose Padilla, the alleged al-Qaida operative held as an "enemy combatant" for more than three years, was taken from a Navy brig and flown to Miami on Thursday to face terrorism charges in civilian court.

The transfer from military to civilian custody began after a legal battle that went all the way to the Supreme Court.

Padilla was taken from a brig in South Carolina and flown by military aircraft to Miami, said U.S. Marshals Service spokesman Dave Turner.

Gay couples' lawsuit for benefits is tossed

By ED SEALOVER
THE GAZETTE

A judge has thrown out a lawsuit filed by two lesbian couples against Colorado Springs after the City Council revoked a same-sex benefits policy in 2003.

Fourth Judicial District Judge Richard Hall ruled that the city had no legal obligation to offer benefits to people who are not considered married under state law. Hall wrote also that while the couples claimed the City Council acted with malice in canceling the benefits, the court had no latitude to judge its motives.

"Such an effort would be a slippery slope," he wrote in an order issued late Wednesday. "Legislators at all levels are faced with policy choices on many difficult, and highly contentious, questions."

Trish Bangert, an attorney for the couples, said Thursday that she plans to appeal the decision.

A split council voted in No-

SEE LAWSUIT • PAGE 5

Paul Jackson, 71, of Colorado Springs is the national commander of the Disabled American Veterans. He got involved with the group in 1985 and has served as a state commander and has held severa month, Jackson will testify in front of t

"If you have the money to send us over there to fight, then you need to try to find the money to take care of us when we get back."

PAUL W. JACKSON – national commander of the nonprofit Disabled American Veterans

fire for not increasing Veterans Affairs funding to keep pace.

Jackson is fiercely apolitical, declin-

cerned, who has adequately funded health care in the VA."

The agency has increased funding in recent years but not at an ade-

clinics, including one in Colorado Springs, has seen the number of patients increase from 44,492 in 2003 to 51,617 last year, including about 1,200

SEP 6, 2006

Lesbian couples drop suit against Springs

City Council revoked benefits

By ED SEALOVER
THE GAZETTE

Two lesbian couples have dropped their lawsuit and ended a 1½-year court battle against Colorado Springs over the city's 2003 revocation of same-sex benefits.

Kaylynn LaGamma, the partner of former city dispatcher Barbara Henson, said she did not have the energy to go on with the suit after Henson died in May.

A second couple, former Memorial Hospital unit clerk Connie Trujillo and partner Susan Osorio, stopped participating in the lawsuit long ago.

Colorado Springs City Council members extended health benefits to gay and lesbian partners of city workers in 2002, and six employees took advantage of the offer. After a contentious 2003 election in which the benefits became a major issue, however, a new council voted to rescind them.

The lawsuit argued the city violated rights of religious freedom and equality by excluding the couples from benefits others received. The city countered that it had no legal obligation to offer benefits to people who are not considered married under state law.

A district judge agreed with Colorado Springs and threw out the lawsuit in January. The ruling was appealed, but the Colorado Court of Appeals had not taken up the case when the plaintiff's attorney, Trish Bangert, requested it be dismissed in August with the stipulation that neither side seek to recover attorney's fees.

LaGamma said the decision was not an easy one, especially because Henson, who suffered from severe multiple sclerosis, had been working on the case the night she died.

"She died fighting for this cause. And I absolutely just do not have the heart to go on without support and without my beautiful wife," LaGamma said Tuesday.

Deputy City Attorney Stacy Gatto confirmed the appellate court dismissed the case.

LaGamma and Bangert said they were disappointed not only with the outcome but with the lack of help the couples got from gay and lesbian organizations in the state.

Bangert said, for example, that the Pikes Peak Gay and Lesbian Center did not honor commitments to raise funds or pay court filing fees. And LaGamma said organizations like the nationally known Gill Foun-

SEE SUIT • PAGE 2

"GT" 2/1/06

Same-sex benefits revisited

Bill would include all people living together

THE ASSOCIATED PRESS

DENVER • When Democrats unveiled their proposal to allow same-sex couples to file as domestic partners two weeks ago, social conservatives objected because they said it would discriminate against people who aren't gay.

Now longtime opponents of expanding gay rights are supporting a proposal that would automatically give some rights to same-sex couples but only if they're also given to other people who can't marry and are living together. That would include everyone from roommates to daughters and mothers who live in the same house.

Sponsor Sen. Shawn Mitchell, R-Broomfield, said the bill doesn't say anything about what kind of relationship exists between the two people.

"This is an interesting challenge for some legislators as to whether or not they want to constructively solve problems or whether they only want to support bills that single out a particular kind of relationship," he said.

The proposal has the support of the public policy arm of Focus on the Family.

"We don't believe benefits should be given solely on an intimate relationship. They should be given where there's true need in the case of those who can't marry," said Jim Pfaff, the group's national representative for family policy.

Michael Brewer, public policy director of the Gay, Lesbian, Bisexual, Transgender Community Center of Colorado, said Mitchell's proposal is a "political ploy" designed to draw attention away from the domestic partnership proposal. He said Mitchell doesn't give anything to same-sex or any other couple that they can't currently get if they hire a lawyer and draw up a contract.

The domestic partnership proposal, which grants some of the same rights that Mitchell's bill does, would go further and allow same-sex couples to be treated the same as married couples under state law.

"Senator Mitchell has worked his entire career in the Legislature to prevent recognition of same-sex relationships. He realized the tide is turning and this is an attempt that does too little too late," Brewer said.

The domestic partnership proposal would grant same-sex couples everything from being able to sue for the wrongful death of a partner to governing breakups under the state's divorce laws, including setting up child support and dividing property. Mitchell's proposal would require that partnerships be dissolved under contract and property law.

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caused computers to send messages back and forth, clogging communication lines.

Wilson said someone loaded the program onto the Personnel Department's computer remotely, and the virus would have given them access to the computer's information.

The chancellor said in the e-mail

SEE **UCCS** • PAGE 5

N SKATES

MARK REIS, THE GAZETTE

Colorado Springs School District 11 superintendent Sharon Thomas at a board meeting Tuesday. "Communication is a two-way street," Thomas told the board members. "We all need to work together."

D-11 chief gives board report card on herself

Thomas will be evaluated next week

SUIT: Would be moot if Referendum I passes

FROM PAGE 1

dation didn't offer legal help before the case reached the court of appeals.

"If this had been about two gay men, they all would have jumped on it," LaGamma said Tuesday. "But there are no lesbians at the tops of the gay and lesbian organizations in Colorado."

Ryan Acker, advocacy director for the gay and lesbian center, defended the organization, saying it invested "a large amount of time and resources" in helping the couples.

Roger McFarlane, executive director of the Gill Foundation, said his group looked at the case and sympathized with the couples' plight but felt the suit could not succeed.

There wasn't more support, Bangert theorized, because Referendum I, which is on the Nov. 7 statewide ballot, would make the lawsuit moot if it passes. The measure would allow same-sex couples to register as domestic partners and gain the benefits and protections of spouses under the law.

LaGamma said she plans to write a book about the couple's struggles with the city.